

Appl. No. 10/087,161
Amendment dated May 10, 2004
Reply to Office Action of February 27, 2004

PATENT

REMARKS/ARGUMENTS

Claims 1-14 and 27-31 are pending in the application. Claims 15-26 have been previously canceled without prejudice as subject to a restriction requirement. Applicants reserve the right to seek any subject matter in claims 15-26 in related applications.

Claims 1-7 and 27-31 stand rejected. Claims 8-14 are allowed.

Claims 7 and 27-31

The Examiner rejected claims 7 and dependent claims 27-31 under 35 U.S.C. 112, first paragraph. Applicants have amended Claim 7 as suggested by the Examiner to delete the term "prevent" which Examiner stated was not enabled in terms of the meaning "make impossible by prior action" and replace it with the term "inhibit" which the Examiner stated is enabled. Applicants thank the Examiner for his comments. In view of this amendment, the rejection to claim 7 and dependent claims 27-31 under 35 U.S.C. 112, first paragraph, has been overcome, and these claims are in condition for allowance.

Claims 8-14

Claims 8-14 have been allowed.

Claims 1-6

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Polyakov et al. (U.S. 4,299,816) in that the patent described the use of acetone in combination with a carbamic ester pesticide. Claims 5-6 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Polyakov et al. The Examiner states that Polyakov et al. disclose a method of controlling ectoparasites of bees such as *Varroa jacobsoni* by applying a carbamic ester pesticide in combination with acetone and that slow release is taught from evaporation of the acetone in 30 minutes and long-term suspension for better contact. Claims 1-6 also stand rejected under 35 U.S.C. 112, first paragraph, for the reasons given above with regards to claim 7.

Applicants respectfully submit that Polyakov et al. does not teach or suggest applicants' invention wherein acetone is used **without any pesticide** to control parasitic mites of honey bees. Applicants also submit that claims 1-6 can be amended to overcome the rejection under 35 U.S.C. 112, first paragraph.

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However, in order to expedite the prosecution and issuance of allowed claims 8-14 and allowable claims 7 and 27-31, applicants herein cancel claims 1-6 without prejudice and reserve the right to seek the subject matter in claims 1-6 in related applications.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request consideration and respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

Respectfully submitted,

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Enclosure:
Transmittal Form (PTO/SB/21)